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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92062802
Party	Defendant 0779147 B.C. Ltd.
Correspondence Address	0779147 B.C. LTD 909A WEST BROADWAY VANCOUVER, V5Z1G1 CANADA
Submission	Other Motions/Papers
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Date	01/07/2016
Attachments	Motion to Amend Registrations and Dismiss Cancellation Action.pdf(116962 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Dogfish Head Marketing, LLC,  Petitioner,  v.  0779147 B.C. Ltd.,  Registrant.	Cancellation No. 92062802
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**MOTION TO AMEND REGISTRATIONS AND DISMISS CANCELLATION ACTION**

Registrant, 0779147 B.C. Ltd. ("Registrant"), is the owner of U.S. Trademark Registration Nos. 4,838,714 (SHELTER), 4,838,713 (SHELTER RESTAURANTS), 838,712 (FOOD WINE SHELTER), and 4,833,958 (SEEK SHELTER), each covering goods and services in classes 25, 32 and 42 (collectively, the "Subject Registrations"). On or about December 8, 2015, Petitioner, Dogfish Head Marketing, LLC ("Petitioner"), filed a partial cancellation action (the "Partial Cancellation Action") against Registrant's Subject Registrations on the alleged basis of priority and likelihood of confusion solely with respect to the class 32 goods in Registrant's Subject Registrations, namely, "beverages, namely, beer".

Pursuant to T.B.M.P. §514.03 (2015) (Amendment Without Consent), and 37 C.F.R. § 2.133 (Amendment of application or registration during proceedings), Registrant, by and through undersigned counsel, hereby requests the Board to amend each of Registrant's Subject Registrations to delete the class 32 goods therefrom, i.e., "beverages, namely, beer", and Registrant confirms that it is not using any of the Subject Registrations for "beverages, namely, beer" and deleting these goods from the Subject Registrations will avoid an alleged likelihood of confusion with Petitioner's SHELTER

and SHELTER PALE ALE marks. Registrant notes that the Board, in its discretion, may grant a motion to amend an application or registration which is the subject of an inter partes proceeding, even if the other party or parties do not consent thereto. T.B.M.P. §514.03 (2015).

Because the Partial Cancellation Action was filed by Petitioner solely with respect to the class 32 goods in the Subject Registrations, and because Registrant is hereby deleting the class 32 goods from each of the Subject Registrations, the Partial Action filed by Petitioner is now moot and Registrant therefore respectfully requests that the Board dismiss Cancellation No. 92062802.

Respectfully submitted,

GREENBERG TRAURIG LLP

By: 

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CERTIFICATE OF SERVICE

I do hereby certify that the foregoing MOTION TO AMEND REGISTRATIONS AND DISMISS CANCELLATION ACTION, was served on Petitioner by First Class U.S. Mail at the following address of its attorney of record:

JOHN J DABNEY  
DOGFISH HEAD MARKETING LLC  
#6 CANNERY VILLAGE CENTER  
MILTON, DE 19968

this 7th day of January, 2016.

By:   
Karen Nelson